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DEPT FOR AF/E BYODER, AF/RSA MBITTRICK, ALSO AF/C
PRM FOR WHENNING
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TAGS: PHUM PREF PREL RW UG BU TZ

SUBJECT: TANZANIA DEFENDS REFUGEE RETURNS AS VOLUNTARY,
LEGAL AND HUMANE; INVOLUNTARY RETURNS ON THE HORIZON

REF: A. STATE 167453

1B. KIGALI 0936
1C. DAR ES SALAAM 01469
1D. STATE 147013

Classified By: Charge d'Affaires D. Purnell Delly for reasons 1.4(b) and (d).

11. (C) SUMMARY: Reports of Tanzania's expulsion of illegal immigrants "abruptly and under harsh conditions" are misreported and exaggerated, according to John Chiligati, Minister of Home Affairs. Chiligati described a two-phase process now ongoing in the Kagera region of northwestern Tanzania to ensure all immigrants who have not legalized their stay in Tanzania return to their home country. The first phase of voluntary returns is near completion; the second phase will be involuntary returns scheduled to begin toward the end of October. In the phase two expulsion exercise, immigration officials will visit villages to identify undocumented immigrants, informing those immigrants without residence permits that if they do not have a legal basis for residing in Tanzania they must return home. The Government of Tanzania (GOT) has formed a joint committee with representatives of the Government of Rwanda (GOR) regarding the expulsion of undocumented immigrants and is in the process of establishing such a committee with representatives of the Government of Burundi. Minister Chiligati insisted that the GOT is complying with all protocols established by the joint committee and described lack of a residence permit as cause for expulsion. END SUMMARY.

Rwanda government involved

12. (U) Minister Chiligati told PolCouns and EconOff October 13 that the GOT had consulted the GOR and formed a joint committee to prepare for the expulsion and receipt of undocumented Rwandan immigrants. Each government appointed ten members to the committee which oversees implementation of both phases of the expulsion exercise and can receive complaints regarding it. Members of the joint committee

reduced the initial estimate of 76,000 Rwandans who would be subject to this expulsion exercise to 45,000 after visiting the villages targeted for the exercise. The joint committee has a village-by-village list of undocumented Rwandan immigrants and the GOR is prepared to accept all of those affected. Chiligati confirmed that approximately 6,000 undocumented Rwandan immigrants had returned voluntarily to date, but commented that "the number could have been as high as 30,000" if all undocumented immigrants in the areas covered had agreed to go.

Identification of immigrants

¶3. (U) Members of the joint committee went "village by village" to identify undocumented Rwandans, Chiligati said. Tanzanians are identified by their local, "ten-cell" leader as many do not have birth certificates, passports or other documents proving citizenship. Non-Tanzanians are asked to produce a residence permit. Chiligati said this expulsion exercise is timed to "clean house" before the GOT issues national identity cards in 2007 as such cards will be the equivalent of proof of citizenship.

Humanitarian treatment is essential

¶4. (C) PolCouns emphasized the USG's strong concern for humanitarian treatment of persons being returned and reiterated that, despite the GOT's right to expel undocumented immigrants, the human rights of undocumented immigrants must be respected. "We don't like to act inhumanely," Chiligati replied, adding that there had been "a lot of misreporting and exaggeration" regarding the return of illegal immigrants. He noted that neighbors are welcome to enter Tanzania, but the GOT asks that they abide by the immigration laws and obtain residence permits.

Areas targeted

¶5. (SBU) Minister Chiligati confirmed that GOT officials began the exercise by targeting the border regions of Kagera, Kigoma and Rukwa as they are known to have the largest number of illegal immigrants. While officials began the exercise in Kagera which borders Uganda, Rwanda and Burundi, Chiligati added that the process would continue into all other regions of Tanzania over time.

Permit me ...

¶6. (C) Minister Chiligati clarified that undocumented immigrants may legalize their status by applying for a residence permit and that a decision whether to issue the permit will be made in one or two days; the permit is valid for two years and renewable. Tanzanian law sets the application fee for a residence permit at USD 600, but allows the Minister of Home Affairs to adjust the fee for those who cannot afford it. According to Chiligati, for persons unable to pay USD 600 (the case of the majority of immigrants living in Tanzania), the GOT adjusted the rate to USD 10. The GOT has an immigration office in each district; the local immigration officials know the financial status of applicants and can levy the lower fee without additional paperwork.

Phasing out

¶7. (C) Chiligati said as a matter of policy, the GOT encouraged undocumented immigrants to legalize their stay by applying for residence permits, but did not detail the form of this encouragement. During the first phase, those who had not legalized their stay were visited by immigration officials, informed that without a residence permit they were not allowed to remain in Tanzania, and given the opportunity to return to Rwanda with their belongings and livestock in an orderly manner. Undocumented Rwandans remaining in Tanzania after the voluntary return phase will be taken to a collection point and given food and transport to the border. Chiligati expects such transport to occur "almost daily" and confirmed that those leaving in this involuntary, second

phase would also have the right to take their property. Chiligati added that the majority of the 6,000 Rwandans who have returned voluntarily were women and children. This begs the question of where the men are and leads Chiligati to anticipate more men than women may be expelled during the second, involuntary phase.

Return Process

¶8. (C) During the voluntary return process, Chiligati stated the GOT provides transportation, but no food or water since the departing immigrants have time to collect and travel with their belongings; however, Chiligati specifically mentioned food would be provided to those expelled in the second phase.

In response to PolCouns' concern that the lack of food and water raised humanitarian considerations, Chiligati commented that "the journey to the border is a short one." Chiligati confirmed that returning immigrants are allowed to keep their belongings, including their cattle which are inoculated at the border pursuant to an agreement of the joint committee in order to prevent the spread of disease. At the start of phase one, the GOT used buses to transport the undocumented Rwandans but the GOT switched to trucks in order to reduce expenses. Chiligati pointed out that UNHCR uses trucks for returns and does not receive complaints on this point.

Refugee or immigrant?

¶9. (C) In Chiligati's view, any expelled Rwandans who claimed to be refugees after they had crossed the border into Rwanda were attempting to "tarnish the reputation of Tanzania." According to Chiligati, when an undocumented immigrant in Tanzania claimed to be a refugee, the joint committee was notified and checked the claimant's status with UNHCR; those

who were refugees were then transferred to UNHCR while those who were not were transported to the border.

Family separation

¶10. (U) In response to EconOff's inquiry regarding the expulsion of Tanzanian citizens, Chiligati explained that individuals married to Tanzanians also must apply for a residence permit; if they do not, they are subject to expulsion, the same as immigrants who have no Tanzanian relatives. In order not to split up a family, the family members who are Tanzanian citizens usually leave the country with their undocumented relatives. Chiligati clarified Tanzanian law regarding citizenship of children who have one Tanzanian parent and one from another country. Since Tanzania does not allow dual citizenship, such a child would maintain citizenship of both countries until age 18 when he or she must choose one.

Burundi next . . .

¶11. (U) Minister Chiligati noted that the new Regional Commissioner in Kigoma and his counterpart in Burundi's border region are in the process of forming a joint committee. The formation of this committee is an agenda item for the November 24 tripartite meeting of the GOT, GOB and UNHCR. Chiligati emphasized that the "1972 caseload" of Burundian refugees would not be subject to this expulsion exercise, whether they lived in the Burundian settlements (approximately 99% of them) or in the villages with Tanzanians (the other 1%).

. . .then Uganda and DRC

¶12. (C) Chiligati said undocumented immigrants throughout Tanzania will be subject to this expulsion exercise, regardless of their country of origin. There will be "equal treatment" for Burundians, Rwandans, Ugandans and, after the DRC election, Congolese. Chiligati noted that in one village alone, officials identified 14,000 Congolese living without residence permits or other proof of legal status.

COMMENT

¶13. (C) While Chiligati said the immigrants have the choice of legalizing their stay or going home, he did not detail any specific GOT actions to promote applying for resident permits, only noting that there had been "a lot of mass education" about the process. Chiligati mentioned that he had been questioned about and addressed the same issues about treatment of the illegal migrants Tanzania is sending home while attending the UN High Commission for Refugees Executive Committee meeting in Geneva the week of October 2, including during a personal meeting with the High Commissioner for Refugees, Antonio Guterres.

¶14. (U) NOTE: In a Cabinet shuffle, Sunday October 15, Minister Chiligati was tapped by President Jakaya Kikwete to head up the Ministry of Labor, Employment and Youth Development. The new Minister of Home Affairs is Joseph Mungai, who moved over from the Ministry of Agriculture and Development. Post will follow-up as soon as possible with Minister Mungai and his staff regarding Tanzania's procedures and treatment of repatriated illegal immigrants.
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